

11th February 1959]

MR. CHAIRMAN : I shall now put the original motion to vote. The question is—

“ That an humble Address be presented to the Governor that the Members of the Madras Legislative Council thank him for the Address delivered to the Members of the Legislature on the 4th February 1959.”

The motion was put and carried.

III.—GOVERNMENT BILL.

THE TIRUCHIRAPPALLI KAIAERUVARAM AND MATTUVARAM BILL,
1958 (L.A. BILL NO. 25 OF 1958).

MR. CHAIRMAN : The Hon. Mr. Manickavelu will now move ⁴ p.m. the Tiruchirappalli *Kaiaeruvaram* and *Mattuvaram* Bill, 1958.

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

“ That the Tiruchirappalli *Kaiaeruvaram* and *Mattuvaram* Bill ^a, 1958 (L.A. Bill No. 25 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

The Madras High Court has held that *kaiaeruvaramdars* and *mattuvaramdars* in Tiruchirappalli district engaged by landlords to work on land for remuneration by a share in the crop on such land are not “ *cultivating tenants* ” within the meaning of section 2 (a) of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955). The definition of “ *cultivating tenant* ” in the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956) is similar to that in Madras Act XXV of 1955. It was considered that these *varamdars* in the Tiruchirappalli district should get the benefits which the cultivating tenants were getting under these two enactments. With a view to achieve this object, an Ordinance called the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Ordinance, 1958 (Madras Ordinance I of 1958), was promulgated on 5th January 1958. In February 1958 a Bill to replace the Ordinance was introduced in the Legislative Assembly and was referred to a Joint Select Committee.

The Joint Select Committee considered that the Bill might be dropped and a new Bill introduced for giving effect to the following purposes :—

(1) The *kaiaeruvaramdars* be treated on a par with “ *pannaiyals* ” and their rights protected, as in the Tanjore Panaiyal Protection Act, 1952 (Madras Act XIV of 1952).

(2) The small landowners owning three acres and less and without any other means of livelihood and who do not pay sales tax or income-tax be completely exempted from the provisions of the Act.

^a Printed as Appendix II on pages 252–258 infra.

[Sri M. A. Manickavelu] [11th February 1959]

(3) In the case of landholders owning up to ten acres, they should be entitled to resume lands up to three acres for personal cultivation and lands not so resumed be pooled and divided among the *mattuvaramdars* in case the interests of any of them are prejudicially affected.

(4) In the case of those who own more than ten acres, *mattuvaramdars* be raised to the status of cultivating tenants with the rights and liabilities of cultivating tenants under the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

(5) Retrospective effect be given to the proposed legislation from 1st January 1957.

(6) The terms '*kaiaruvaramdar*' and '*mattuvaramdar*' be defined so as to bring out their status clearly; and

(7) The proposed legislation be made applicable to those villages in the Tiruchirappalli district where this peculiar tenure is said to be in force.

The Bill was accordingly dropped. The Ordinance also lapsed.

The present Bill gives effect to the suggestions of the Joint Select Committee, with certain modifications. In the matter of sharing of crops under the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956; it is felt that retrospective effect would lead to difficulties and, therefore, it is proposed to give effect from the date of the commencement of the proposed Act. But as regards protection under the Madras Cultivating Tenants Protection Act, 1955, provision has been made for reopening cases disposed of on or after 1st January 1957 and before the commencement of the proposed Act.

The Assembly has made certain changes in the Bill. The important changes made are the following:—

(1) Clause 1 has been amended so as to bring the proposed Act into force with effect from 1st April 1959. The reason for the amendment is that the proposed Act should not come into force in the middle of a cultivation season. Under the *mattuvaram* system, the landowner incurs expenditure on seed and manure. But under the Fair Rent Act, the cultivation expenses, inclusive of the cost of seed and manure, are borne by the cultivating tenant. As the landowner would have already incurred expenditure on seed and manure, if the *mattuvaramdar* attains the status of a cultivating tenant before the harvest, the landowner may claim from the *mattuvaramdar*—cultivating tenant—not only the 40 per cent rent but also the expenses incurred on seed and manure. This may lead to disputes as to what expenditure was actually incurred by the landowner. To avoid such disputes, it was considered better to postpone the introduction of the Act till after the harvest of paddy and at a time when there will generally be no crop on the land. Hence the amendment to bring the Act into force with effect from 1st April 1959.

11th February 1959] [Sri M. A. Manickavelu]

(2) In clause 3 of the Bill as introduced in the Assembly, read with Schedule II thereof, the remuneration payable to *kaiaruvaramdars* was specified. It was pointed out that the remuneration specified in the Bill was different from the actual remuneration paid in several of the villages to which the proposed Act will apply and that it would, therefore, be better to provide that the remuneration would be on the same terms as were applicable to the *kaiaruvaramdars* immediately before the commencement of the proposed Act. Clause 3 has accordingly been modified and Schedule II omitted.

(3) *Clauses 5 and 6.*—These clauses have been amended so as to provide that any order for re-engaging any *kaiaruvaramdardar* or *mattuvaramdar* shall, in respect of any land where there are standing crops on the date of such order, take effect immediately after the harvest of such crops.

(4) *Clause 9.*—In clause 9 of the Bill as introduced in the Assembly, it was provided that a landowner who owns not more than three acres or ten acres of wet land, could terminate the engagement of any *mattuvaramdar* if he (the landowner) had not been assessed to any sales tax, profession tax or income-tax and also subject to certain other conditions. It was represented that unless the reference to "profession tax" was omitted, most of the landowners owning not more than three acres or ten acres of wet land would not be entitled to terminate the engagement of *mattuvaramdars* and that this would cause hardship to them. Hence, the reference to "profession tax" in this clause has been omitted.

I request the House, Sir, to accept the motion.

Mr. CHAIRMAN : Motion moved—

'That the Tiruchirappalli *Kaiaruvaram* and *Mattuvaram* Bill, 1958 (L.A. Bil No. 25 of 1958), as passed by the Legislative Assembly, be taken into consideration.'

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, this Bill, from its very title, is not understood by many people. The Governor in his Address could not pronounce the word '*kaiaruvaramdardar*' and even people who sometimes attend to matters connected with these *varams* are not able to understand what we mean by *Kaiaruvaramdardar* or *mattuvaramdar* because it affects only certain taluks of Tiruchirappalli district very seriously. While the consequences are very serious in those places, here in Madras it does not seem to attract much attention. We in the Legislature cannot afford to neglect anything. When we pass a Bill, we do so with a sense of responsibility and so, this Bill has had a very chequered history. It was first a case of Ordinance which was not thought of properly. It was not couched in proper language and the incidence was entirely misunderstood. Even at that time there was a decision in the High Court of Madras which was pending appeal to a Bench. That decision went into the whole question very thoroughly on the basis of the admitted evidence in the case and the facts about the duties of *kaiaruvaramdardar* and *mattuvaramdar*.

[Sri K. Balasubramanya Ayyar]

[11th February 1959]

Those duties were categorically stated in the evidence. The High Court came to the decision that section 2 of the Cultivating Tenants Protection Act and the Fair Rent Act would not apply to these people as they were not cultivating tenants. The Ordinance was issued at a time when the Legislative Assembly was not in session and at a time when the decision of the High Court was pending appeal to the Bench. In spite of this, the Ordinance stated that the *kaiaeruvaramdars* and *mattuvaramdars* would be considered tenants under the Cultivating Tenants Protection Act and the Fair Rent Act. These two tenures if I may call them tenures because they are not tenures, or systems were obtaining in a large number of places in the Tiruchirappalli district and it was acquiesced in peacefully and happily by both the landowners and these two varamdars. But suddenly on account of the change in the conception of justice, the conception of social pattern of society to which the Hon. the Leader of the House also referred and also due to the active agitation of the Communist Party in our country, the state of things in those parts was disturbed suddenly. These varamdars were said to have woken up to their rights and felt that they were being treated very badly for long and for many years. Therefore, there was a serious breach of peace and various incidents occurred there. There was a Collector of the District who happened to take sides. Though he belonged to the permanent services, he had a policy of his own and the High Court had to make in its judgment a very serious remark about that Collector. They even recommended that he should no longer be responsible for law and order in the district. But no action was taken. In fact, I specifically referred to it in the Legislative Council. No reply was given by the Government. That Collector has now quietly retired and I think he has now become a landowner. Therefore, now his opinions are quite different. (Interruption) Yes, he is a landowner. But that is what happens. It is only by the way and it has nothing to do with the Bill. My point is, without appointing a proper committee to investigate matters especially when the system had some peculiar incidence in a particular portion of a district in the State, the Government came forward with an Ordinance. It is only fit and proper that the Government should have made the necessary investigation into the matter. It was postponed to the time till a Joint Select Committee was appointed to consider the Bill. At that time, they sent a Member of the Board of Revenue to investigate the matter in the course of a week because the Joint Select Committee was sitting and all the Members of the Committee including the Members of the Congress were convinced of the justice of the case of the small landowners of that part of the country and they raised various points in the Joint Select Committee by which it was shown that the Communist Party agitation was entirely responsible for the situation in that part of the district and that there was not much of substance behind all the allegations made by these varamdars. Therefore, Government took the step of sending an officer immediately to investigate. My grievance is that that officer had not

4-16
p.m.

11th February 1959]

[Sri K. Balasubramanya Ayyar]

much time before him. He did his best in the circumstances. The officer was a Member of the Board of Revenue, a responsible officer. Therefore, I have nothing to say against him. He did as much as he could. He camped in the Travellers' Bungalow, called a number of people, quickly investigated into the matter and sent his report. That report was treated as a confidential report and, therefore, only parts of that report were read out to the Members of the Committee. Nothing was given to us. Upon such a consideration, the final conclusion was that the Bill should be dropped. Even that Member of the Board of Revenue who went into the matter came to the conclusion that the *kaiaruvaramdar* could never be called a tenant. He is only a person who puts his hand to the plough. Even the Hon. Chairman will now understand the term '*kaiaruvaramdar*'.

MR. CHAIRMAN : Yes.

SRI K. BALASUBRAMANYA AYYAR : He is a person who is given a share of the produce, that is, the '*varam*'. A share of the produce is given as remuneration for work done and that is called '*varam*'. A person who puts his hand to the plough and does that work, is given a '*varam*' by the small landowner. That is the position. That is why he is called a '*kaiaruvaramdar*'. *Mattuvaramdar* is a person who is asked to supply bulls because the small landowner has not got sufficient capacity to purchase bulls. Bulls are costly nowadays. The prices are going up not only in the case of foodgrains but also in the case of bulls. The prices of bulls have also gone up and this is a matter which we should remember so far as agricultural economy is concerned and which we sometimes forget. The bulls have become costly and the small landowner is not able to purchase them. Therefore, he calls the other person who has got bulls to work for him. Therefore, the person who has got bulls works for a short period in the year for the landowner and he works for other landowners also for the rest of the year. He goes from one place to another, taking his bulls just like a motor-car or a jutka. So far as the report is concerned, the Government said that the '*kaiaruvaramdar*' was never a tenant but that there was some doubt as regards the '*mattuvaramdar*' as to whether he could be approximated to a tenant or not. Because there was the doubt, Government came to the final conclusion that so far as the '*kaiaruvaramdar*' was concerned, he could never be considered a tenant though the Ordinance spoke of him as, or deemed him to be, a tenant. The Joint Select Committee accepted the view that the *kaiaruvaramdar* could not be deemed to be a tenant and, therefore, the High Court decision was also commended so far as that type of *varamdar* was concerned. But so far as the '*mattuvaramdar*' was concerned, a curious product arose out of the deliberations of the Committee and that is this. From being a farm servant of the landowner he slowly became a tenant as the extent of the land owned by the landlord increased. If the landowner had only three acres, the '*mattuvaramdar*' might not have any right. If it was ten acres, he became

[Sri K. Balasubramanya Ayyar] [11th February 1959]
an aggressive '*mattuvaramdar*'. If the landowner had ten or more acres, the *mattuvaramdar* became a cultivating tenant. In proportion to the extent of land owned by the landowner, the *mattuvaramdar* became a tenant. That was the suggestion made by the Government, we were asked to accept that at the Joint Select Committee and the Bill has now come before us. I do not know whether that position would be changed to-day. I have no hope that it will be changed. Therefore it is that I do not want to embark strongly upon that. The Bill has been passed in the Assembly and it has now come here. It is too late in the day to fight over a principle which has already been adumbrated in the Bill though I can never be convinced that it is the proper way to proceed at all in these matters. Therefore, I leave it at that.

But there are other important matters also to be taken into consideration in this connection. The system of *mattuvaramdars* obtains only so far as the wet lands are concerned and that is accepted. I do not think there has been any suggestion that this system obtains in any other part of the State. There are some taluks, fertile portion of the district, bordering on the great river Cauvery where they grow crops such as sugarcane, betel, plantains and so on. Tiruchirappalli plantains are famous. So also the betel grown there is of the best quality. On account of the establishment of sugarcane factory near the Railway Station at Pettaivaithalai, a large number of small landowners have registered themselves as cane growers. If you go into that part of the district, you will find beautiful crops of sugarcane coming up. So far as these crops are concerned, there can be no suggestion regarding the existence of such a system as *mattuvaram*. So far as plantains are concerned, you need not plough. It goes on for years. There is no question of ploughing in those places.

SRI O. P. RAMASWAMI REDDIAR : Ploughing is necessary before planting.

SRI K. BALASUBRAMANYA AYYAR : Spade-work is necessary. I know it. I have raised plantain crops, and I should, therefore, be credited with possessing some knowledge about all these things. There the lands require very little ploughing and they are near the riverside. Therefore there is no such system as *mattuvaram*. So also is the case with betel. The landowners have to put in thousands of rupees to raise these crops and they have also to work. They never had this problem of *kaiaruvaramdars* and *mattuvaramdars*. Therefore, the Government have to put in some provision in this Bill itself and guard them from being affected by the provisions regarding these *varamdars*, because in the interregnum many doubts have been raised. In this connexion, I may state that I have always appreciated the very conciliatory attitude of the Hon. the Revenue Minister in regard to this whole matter. Whenever representations have been made to him and whenever difficulties have been pointed out to him, he has always shown a tendency to appreciate them and to see whether those complaints and grievances could be redressed. But still there is the overall

11th February 1959] [Sri K. Balasubramanya Ayyar]

policy. There is also the difficulty of their having entered into this matter. They have been rather led into this matter and, therefore, they cannot come out of it. As our beloved Prime Minister has stated, we are in the mid-stream and we must go on. Otherwise, we will be drowned completely. They were in the mid-stream when the Ordinance was issued and they had to proceed, and the whole thing took shape in the form of this Bill. But we have to realise that between 1957 and 1959, these lands have been leased out or transferred to people and ryots have registered themselves for cultivation of lands other than wet lands. This system should not be forced on them and it cannot be enforced because it does not obtain there. But there is a provision in the Bill which provides for re-engagement if a *kaiaruvaramdar* or a *mattuvaramdar* is discharged from his duty between 1st January 1957 and 1st April 1959 and if he wants to come in. This provision has to be carefully looked into as otherwise it will affect the sugarcane industry and also other crops like betels and plantains. I shall draw the attention of the Government to this aspect of the matter when clause-by-clause consideration takes place.

Sir, I do not want to repeat but I can say that even after the passing of the Ordinance and after the Bill has been considered, people have acquiesced in the whole thing and that there is now peace in that portion of the State. Therefore, if this Bill is passed, again fresh troubles will arise due to the interpretation of the Act by the Revenue Divisional Officer, the Tahsildar and so many other people. The only appeal I would make to the Government is to see that the officers do not pursue a policy of their own and do not themselves give rise to various breaches of the peace by giving different interpretations in favour of one side or the other. The Government should act impartially and well so that the peace which reigns in that particular locality may continue for some more time. It is a place which is fairly fertile and production also will be seriously hampered if there is disharmony between the landholders and others. Most of the landholders in that portion of the State are very small landholders. Most of them do not have even ten acres of land. Their extent of land ranges from three to ten acres. Therefore, they are as much in the position of poor tenants as the other people. Much sympathy is shown to the landless labourer and also to the poor tenant but no sympathy is shown to the small landowners who are akin to these people. I cannot understand why in the socialistic pattern of society they have no place. I have never been able to understand the logic behind all these things. A small landowner is a person who is as much entitled to social justice as any other person. Therefore it is that I appeal to the Government and also to this House to take full responsibility and see that peace reigns in that particular portion of the State and we do not do anything to disturb it.

I am very glad to see one important change made in the Assembly, to which reference had been made by the Hon. the Mover of the Bill when he moved it for consideration. Otherwise,

[Sri K. Balasubramanya Ayyar] [11th February 1959]

remuneration shall be payable to the *kaiaeruvaramdar* for his work, as specified in Schedule II. That would have created a lot of confusion. Fortunately, the provision that it 'shall be on the same terms as were applicable to him immediately before the commencement of this Act was made. I am very happy that this amendment has been accepted by the Government and that makes this Bill much less harmful than it would otherwise have been the case. The Hon. Minister readily accepted it when it was pointed out by many Members including some Congress representatives from that area. I do not see my hon. Friend Mr. Arunachalam who took a special interest in this particular matter. He was fully convinced that justice was more on the side of small landowners than on the side of other people, who had established Sanghams. It is the Secretary of that Sangham that writes petitions and even appears in the court. It is an accepted fact and it has been stated so in the evidence. The poor *mattuvaramdar* does not know what his rights are. He is very happy with his landholder. Now, some people say that he has got rights. So, what I am saying is that the change made regarding payment of remuneration is a welcome change. If you have understood the full implications of it, then you would have appreciated it well. The deletion of the schedule is a great thing.

There are one or two other minor matters but they do not matter. My point is that sugarcane crop or betel crop should not be affected. I think the Hon. the Minister for Industries has been presented with a memorandum in respect of this matter, by a representative of Messrs. Parry & Co. The Hon. the Minister for Home has also been approached. Of course, the Hon. the Minister for Revenue has been approached first. After 1957, on account of the increase in sugarcane cultivation and in view of the factory which has been established and to which sugarcane will have to be supplied, this matter assumes particular importance. Otherwise, the production of sugar will be affected and the foreign exchange earnings also will be affected. Therefore it is that I want to draw the attention of the Government to this particular aspect of the matter. I do not think that it has been sufficiently tackled in the Assembly and that is why I want to impress upon the Hon. the Minister for Revenue that the present clauses 7 and 8 will create trouble. I would suggest to the Government to make some modifications in respect of those clauses. Personally, I feel that this Bill is not necessary but since the Ordinance was issued, it had to be replaced by a Bill. Now, all of a sudden they have found that the *mattuvaramdar* working under a landowner owning more than ten acres of land can be assimilated into a tenant.

4-30
p.m.

That is the principle which has now been accepted. As a lawyer, I know something of these matters and I do not think I can accept this. It is not a possibility. But nowadays, it is said that law, society and justice are the three changing things; law should adapt itself to the changing society, to the changing conception of justice, and lawyers are charged with conservatism. Sir,

11th February 1959] [Sri K. Balasubramania Ayyar]

I have passed an age when I cannot change. But I have got a receptive mind. Equally with the Leader of the Opposition, I have got a receptive mind. (Laughter). Thank you, Sir.

SRI A. GAJAPATHY NAYAGAR: மன்றத் தலைவர் அவர்களே, நண்பர் ஸ்ரீ பாலசுப்பிரமணிய ஐயர் அவர்கள் பேசியதைப் பாராட்டுகிறேன். ஆனால் அவர்கள் ஒன்று அறியவேண்டும் :

“உழுதுண்டு வாழ்வாரே வாழ்வார் மற்றெல்லாம் தொழுதுண்டு பின்செல் பவர்.”

என்று வள்ளுவர் கூறியிருக்கிறார். உழவன்தான் நாட்டின் அச்சாணி என்பதை ஐயர் அவர்கள் அறியவேண்டும். உழவன் யார் என்று பார்க்கலாம். “லாண்டுலாரு” என்று சொல்லக்கூடியவன் தன் கையில் நிலத்தை வைத்துக்கொண்டிருக்கிறான். உழவன் என்பவன் ஏரைக் கையில் பிடித்து உழப்பவனாவான். ஏரு கையில் எறினால்தான் அது பின்னர் நிலத்தில் ஏறும். அதைத்தான் கையேர் என்பது. கையேர்வாரந்தார் என்று சொல்லப்படுபவன், கையில் ஏரை வைத்துக்கொண்டு நிலத்தை உழுகிறான். நிலத்தை உழுவதற்கு ஏர் வேண்டும். இரத்தபடியாக, அதற்குத் தண்ணீர் வேண்டும். இவ்விரண்டும் மட்டும் இருந்தால் போதாது. ஏரை இழுப்பதற்குக் கால்நடையும் அவசியம் வேண்டியிருக்கிறது. இந்த மூன்றும் உழவிற்கு மிகவும் அவசியமாக இருக்கிறது என்பதை ஐயர் அவர்கள் தெரிந்துகொண்டால், உழுவதில் எவ்வளவு சிரமம் இருக்கிறது என்பதைத் தெரிந்துகொள்வார்கள். ஆனால், இப்பொழுது மாடும் இல்லை, கால்நடையும் இல்லை. வாயும் வயிறுந்தான் இருக்கின்றன. உழக்கூடியவன் தன் சாப்பாட்டிற்கு எங்கே செல்வான்? திருச்சிராப்பள்ளியில் கூவேரி நதி பாய்கிறது. வண்டல் மணலும் வருகிறது. அங்கு உழவரு மிகவும் கஷ்டமான காரியமாகும். ஏர் பிடித்து உழும்போது, உழுகிற பக்குவம் தெரிந்திருக்கவேண்டும், நீர் கட்டும் பக்குவமும் தெரிந்திருக்கவேண்டும். கையேர்வாரந்தாரையும், மாட்டுவாரந்தாரையும் கட்டாயம் வேலை செய்ய வேண்டுமென்று சொன்னால், அப்பொழுது அவர்களுக்கு உரிமை வருகிறது. அவர்களின் இஷ்டப்படி வேலை செய்வார்களானால், அப்பொழுது இந்த உரிமை வருவதில்லை. இதை ஐயர் அவர்கள் உணர்ந்துகொள்ள வேண்டும். திருச்சியில் மாடு வைத்திருந்தால், அவர்கள் கட்டாயம் உழ வேண்டுமென்று இருக்கிறது. அப்பொழுது அவர்களுக்கு உரிமை வேண்டாமா? கட்டாயம் ஏர் பிடித்து உழ வேண்டுமென்று சொல்கிறார்கள். அப்பொழுது அவர்களுக்கு உரிமை வேண்டாமா? அந்தக் காலத்தில் ராஜாக்கள் இருந்தார்கள், ஜமீன்தார்கள் இருந்தார்கள். அவர்கள் மேல் வாரம் கொடுத்தார்கள், குடி வாரம் கொடுத்தார்கள், மக்களை அடிமைகளாகவும் கொடுத்தார்கள் என்று சொல்லப்படுகிறது. பின்னர், குடி வாரம் போய் மேல் வாரம் மட்டும் இருக்கிறது. எஸ்டேட்ஸ் லாண்டு ஆக்டில் ஏர் பிடித்து உழப்பவன் குடிவாரந்தார் என்று சொல்லப்பட்டிருக்கிறது. இப்பொழுது இந்த மசோதா நம் முன் வந்திருக்கிறது. இதனால் ஒன்றும் கெடப்போவதற்கில்லை. இந்தக் கையேர்வாரந்தார்களும், மாட்டுவாரந்தார்களும், custom and usage படி கட்டாயம் வேலை செய்ய வேண்டியிருக்கிறது. அப்படி அவர்கள் வேலை செய்யும்போது, அவர்களுக்கு நியாயம் வழங்க வேண்டாமா? நீதி வழங்கவேண்டாமா? அதற்காகத்தான் இப்பொழுது இந்த மசோதா கொண்டு வரப்பட்டிருக்கிறது. நம் நாட்டில் நிலம் வைத்திருப்பவர்களும் நல்லவர்களாக இருக்கிறார்கள், நிலத்தை உழப்பவர்களும் நல்லவர்களாக இருக்கிறார்கள், நம்மைப் போன்றவர்களும் நல்லவர்களாக இருக்கிறார்கள். மக்களுக்கு நல்லதைச் செய்வது நம் கடமையாகும். அதை நாம் மறந்துவிடக்கூடாது. ஆகவே, மக்களுக்கு வேண்டிய நன்மைகளைச் செய்ய நம் அரசாங்கம் முன்வந்திருக்கிறது. அப்படி நன்மைகள் செய்தும் வருகிறார்கள். ஆகவே, இந்தக் கையேர்வாரந்தார், மாட்டுவாரந்தாரைப்பற்றி அதிகம் சொல்ல வேண்டிய அவசியமில்லை. அவர்களுக்கும் நியாயம் வழங்கப்படவேண்டும். நடைமுறையில் சில சிக்கல்கள் ஏற்படலாம். ஆனால் அவைகளைத் தீர்க்கவேண்டும்.

[Sri A. Gajapathy Nayagar] [11th February 1959]

ஆர்டினன்ஸ் போடுவதைப்பற்றிக் குற்றம் சொல்லவேண்டியதில்லை. ஓய்வு பெற்ற ஆபீஸர்களைப்பற்றிச் சொல்லவேண்டியதில்லை. நல்லதொரு சட்டம் இங்கு கொண்டுவரப்படும்போது, பழைய பேச்சுக்களையோ அல்லது ஓய்வு பெற்ற ஆபீஸர்களைப்பற்றியோ குற்றம் சொல்வது சரியல்ல என்பதை நான் சொல்லிக்கொள்ள விரும்புகிறேன்.

அடுத்தபடியாக, ஏர் போட்டு உழுவது மாத்திரம் உழவல்ல. கையால் செய்யப்படும் வேலைகள் எல்லாம் உழவுதான். கரும்பு, வாழை இவை களைப்பற்றிச் சொல்லப்பட்டது. உழவைப் போன்று அவைகளுக்கும் தண்ணீர் கட்டுவது போன்ற வேலைகள் இருக்கின்றன. ஆகவே, அவைகளும் கையேர்வாரம் என்பதில் அடங்கியிருக்கின்றன. நம் நாட்டில் இன்று உணவுப் பொருள்கள் அதிகமாக உற்பத்தி செய்யவேண்டியிருக்கும் போது, 2,000, 4,000 ஏக்கர் வேலி நிலங்களைக் கரும்புச் சாகுபடி செய்து கொண்டிருப்பது நல்லதல்ல. மேலும், அவைகளுக்குச் சலுகை காட்ட வேண்டுமென்று சொல்வதும் நல்லதல்ல. ஆக, கையேர்வாரந்தார், மாட்டுவாரந்தார் இவர்களுக்கு வேண்டிய உரிமைகள், பாதுகாப்புகள் அளிக்கக்கூடிய மசோதா இப்பொழுது வந்திருப்பது பாராட்டத்தக்கதாகும். அதை நான் வரவேற்கிறேன். ஐயர் அவர்கள் ஒன்றும் தப்பாகச் சொல்லவில்லை. அவர் பழைய வாசனையில் இருப்பவர், வயது ஆதி விட்டதல்லவா? இதனால் ஒரு தீமையும் வந்துவிடாது. நான் ஒரு “கன்ஸர்வேடிவ்” அல்ல.

“உலகத்தோடு ஒட்ட ஒழுக்கல் பலகற்றும்
கல்லார் அறிவில்லாதார்.”

என்று வள்ளுவர் சொல்லியிருக்கிறார். உழவிற்கு ஆக்கம் அளித்தால்தான் நம் நாடு முன்னேறும் என்று கூறிக்கொண்டு இந்த மசோதாவை ஆதரித்து, வரவேற்கிறேன்.

* SRI G. KRISHNAMOORTHY: Mr. Chairman, Sir, during the recent few years, the policy of the Government with regard to land reform has been disturbing to many people. It has always been expected of a Government that it should give security to person and security to property. But, somehow or other, the land reforms ushered in by the Government one after another have been causing great concern in the minds of the people, that whatever they save by sweating and economizing their life is being tried to be taken away by the Government through legislation. Instead of the Government giving their full attention to the production of more food, they have been giving a part of their attention to the distribution of the land as among the so-called owners and tillers. In fact, many would be glad if the full benefit were to go to the tiller but, as per the various Acts so far passed by the Government and still in the process of being passed, the benefit does not go to the actual tiller but it goes to a middleman called the tenant. Now, I can understand a Government saying that the poor people should be paid such and such wages, but I cannot understand a Government saying that this property should go to the tiller. Now, ownership is a sacred thing which has been respected for ages and ages and suddenly a slogan that the land should go to the tiller and not to the man who tried to just save something and purchase that land is really disturbing. In fact, nobody will accept similar propositions that a house should go to the person who builds the house or that a taxi should go to the passenger who travels in that taxi. Now, certain special rules are sought to be applied with regard to land, water and air. But we do not know whether the land that

11th February 1959] [Sri G. Krishnamoorthy]

the Government think of as common to all and as exempt from certain regulations applicable to property is the land which they really try to legislate upon. All cannot be equal however much the Government or the socialistic pattern may try to bring people on an equal level. Men have different qualities. Men have different ways of living. Men have different ways of just saving or squandering their wealth and nothing can be equal. In fact, Nature points to us that no two things can be equal. Dictionaries point to us that no two words can be synonyms and even our own hand points to us that unless these five fingers of the hands are different in length and strength, they cannot be of use. So, there will be diversity and there must be unity. In fact, that has been referred to in our Sastras. But how we adjusted all these years without the intervention of the Government through legislation was this. A charitable instinct was put in there through education. The richest men were in India and it was instilled in the minds of these richest men from their very early days through educational methods that what they held as riches was, after all, a trust on behalf of the poor. The charitable instinct was there and that has been stifled and killed by the modern educational method which has been perpetuated at a cost of Rs. 12 crores a year from a revenue of Rs. 60 crores. Now, the Government want to do everything through legislation and in passing the legislation, at the concluding third reading, we find the Government coming and telling us that nothing can be done by legislation alone but that the minds of the people must change, and that the people must all co-operate and so on. After all, we have to appeal to that moral instinct. Why cannot the Government appeal to that moral instinct from the very outset in the educational institutions so that the rich men having their wealth earned either by the sweat of their labour or inherited from their ancestors may part with their wealth on behalf of the poor through the charitable instinct to be instilled into their minds by educational methods? Having left that way, having no moral education whatsoever and having no spiritual education whatsoever in our educational curriculum, we think that we can make angels of the modern men through legislation. That can never be done. And that legislation has come to such an extent as to say that a man, a poor or middle-class man who out of his own Government service savings, has bought three or four acres should not own those acres but should part with those acres in the name of a legislation on behalf of a person who is not actually the tiller, who does not hold the plough as thought of by our revered colleague Sri Gajapathy Nayagar but who is a tenant, a middle man, who has got a number of other people to work there but who, according to our legislation, is to be entitled as a cultivating tenant to the benefit which will be taken away from that hard-earned money of the Government servant and be transferred to him. So, unless and until the Government realise that the minds of the people are to be changed through a charitable instinct which ought to be instilled even at the early stages of the primary school by the teacher, we cannot have salvation in society and any legislation cannot bring about a moral uplift of the people

[Sri G. Krishnamoorthy] [11th February 1959]

or a proper evaluation of the principles. India, which has been noted for its charity and which is noted for its charity even now can be changed in its mind by such agitations and movements as the one launched by Acharya Vinobhaji and not through legislation of this type. So, I would humbly request the Government to put a stop to their land reform policy which brings about disharmony among the so-called landowner and the tiller, creates disputes and crowds courts with cases, and to see that the charitable instinct is put into the people—better late than never—at least in the future from this day through a modification of the educational curricula. I would humbly request the Government to put a stop to this further legislation and see that harmony is brought about between the landowner and the tiller and that more production is aimed at by the Government by their full attention being given to it and not by part of their attention being given to the so-called land reforms.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, in the first place, I wish to thank the hon. Member opposite for appreciating certain attempts on our part to make this a little more realistic and workable. Then, as regards the last speaker, I think his criticism was more of a general nature regarding land reform as such and not particularly directed against this though his criticism will apply to one portion, namely, why a landowner should be deprived of his right and a cultivator, whether he is a full-fledged cultivator or otherwise, should be given the right. Now, Sir, this tenure is a peculiar one in Tiruchirappalli district and that too, in certain areas which are mentioned here in the Bill, in three or four taluks. This will apply only to certain villages mentioned in the Schedule. I think the villages mentioned are about 43 in number. It may be asked why a legislation should be brought in to cover a few villages. It arose in this way. In Tiruchirappalli district this tenure was being observed and everything was going on smoothly. But owing to the onrush of new ideologies and to the activities of political parties, a sort of disturbance was created there, thereby hindering the normal cultivation that was being carried on. Now, the Government watched for some time whether the situation would not be eased of its own accord by the parties settling the dispute, but it did not. It was growing worse. At such a juncture, the Government cannot keep quiet. They have to intervene and do something to restore peace and order and to see that the normal function of cultivation is carried on there. It is only with that view that the Ordinance was promulgated. But as mentioned earlier, this being a peculiar tenure obtaining in certain villages there and as the Government were not aware of all the details and the full implications of the tenure, we thought at one stage that a better knowledge of the tenure might be obtained by sending a Member of the Board there. The Member of the Board went there. His stay there might have been brief. But with all his past experience he is an expert in the matter. He is a Member with knowledge of these land tenures. He could study it in three or four hours but actually he was there for a day, I think. He had all

11th February 1959] [Sri M. A. Manickavelu]

the information necessary furnished by the Collector and other Revenue Officers. He visited some villages also and he consulted some of the landowners and tenants and gave his impressions of what this tenure was. Then, as it was stated, the Select Committee went into the matter. They thought that it was best to drop the Ordinance and the whole Bill and bring in a fresh Bill. This fresh Bill was passed in the Assembly and is now here.

The first question that arose for consideration was whether this legislation would adversely affect cultivation other than paddy, namely, sugarcane, plantain and betel. As far as I understand it, this tenure applies only to paddy cultivation. From the definition of *mattuvaramdar* and *kaiaruvaramdar*, it only refers to cultivation of wet land. It does not specify the crop and all that. I will clarify it to-morrow when we take up the clause-by-clause consideration. I myself want to know exactly what the position is. If by any means another interpretation can be put that it may apply to other crops like sugarcane and betel, it will naturally bring in complications, and we will have to devise ways and means as to how best to see that no complication arises. It was asked, 'Why, when things are settling down, bring in this legislation now? Everything seems to go on all right. They have come to a sort of understanding, and they are going on'. Sir, they are also quite aware that legislation is coming. Not that they are not aware of it. So, they are not fomenting trouble and are not creating disorder. As a matter of fact, they know that legislation will come. So, this plea cannot absolve us from bringing in legislation.

4-50
p.m.

To avoid difficulties as far as possible, we fixed the end of the cultivation season as the starting point. Otherwise, that would have given us some difficulty. We have put the date as 1st April 1959. Some hon. Members suggested that it should be 1st June. Some others suggested that it should be 1st March. To conform to all the different periods obtaining there, 1st April will be the most convenient date.

Then, it was also said that in the case of a man who owned only three acres, this legislation would not apply. It was asked why this preference was shown to him. That is because a person owning three acres is entirely depending on the produce from that land. He cultivates the land himself. That is why we have put certain restrictions. A man who pays sales tax or income-tax should not have the benefit of this concession. A man who pays sales tax or income-tax has got other means of livelihood. A man owning above ten acres may be a well-placed person. He need not look to this land for his means of livelihood. There may be cases in which he may also be affected. I cannot say that there will not be such cases here and there. But we have to draw the line somewhere. We cannot make legislation to fit in exactly as we wish. There will be some loophole here or there. So, there will be this much of margin in all legislation, and in that respect, there may be some difficulty. These are all the points raised by hon. Members opposite.

[Sri M. A. Manickavelu] [11th February 1959]

As regards the other points, I think it is better we take them up when we discuss the Bill clause-by-clause. If any vital suggestions are made, which should be taken into account, I will certainly do so. We think we have removed all difficulties and if hon. Members can show any difficulty, I shall have an open mind and I shall look into it.

MR. CHAIRMAN : The question is—

‘ That the Tiruchirappalli Kaiaeruvaram and Mattuvaram Bill, 1958 (L.A. Bill No. 25 of 1958), as passed by the Legislative Assembly, be taken into consideration.’

The motion was put and carried.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 101. *Short review of activities and achievements of the Civil Supplies Department of Madras Government for the first half of the year 1958.*

* 102. *Notification issued with G.O. Ms. No. 4162, Revenue, dated 17th November 1958, regarding reorganization of administrative set-up consequent on the introduction of settlement in Orathanad taluk.*

* 193. *Notifications issued with Memorandum No. 101261-J3/58-2, Revenue, dated 8th December 1958, regarding ryotwari settlement of estates taken over in Tirupattur taluk, North Arcot district, under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).*